## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Sayquan McKenzie, on behalf of himself and others similarly situated in the proposed FLSA Collective Action	) ) ) )				
Plaintiff(s)	) ) (' ' ! A (' - N				
v.	Civil Action No.				
NYC Massage and Spa Inc., Alexander Smith, and Ella Smith,	) ) )				
Defendant(s)	- ) )				
SUMMONS IN A CIVIL ACTION					
To: (Defendant's name and address) See Rider Attached.					
A lawsuit has been filed against you.					
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:  Levin-Epstein & Associates, P.C. 60 East 42nd Street, Suite 4700 New York, New York 10165					
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.					
	CLERK OF COURT				
Date:					
	Signature of Clerk or Deputy Clerk				

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Civil Action No.

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

was re	This summons for (name ceived by me on (date)	ne of individual and title, if any) .				
	☐ I personally served	the summons on the individual a	at (place)			
			on (date)	; or		
	☐ I left the summons at the individual's residence or usual place of abode with (name)					
	☐ I served the summons on (name of individual) , who					
	designated by law to accept service of process on behalf of (name of organization)					
			on (date)	; or		
	☐ I returned the summons unexecuted because					
	☐ Other (specify):					
	My fees are \$	for travel and \$	for services, for a total of \$	0.00		
	I declare under penalty of perjury that this information is true.					
Date:						
			Server's signature			
			Printed name and title			
			Server's address			

Additional information regarding attempted service, etc:

## LEVIN-EPSTEIN & ASSOCIATES, P.C.

60 East 42<sup>nd</sup> Street • Suite 4700 • New York, New York 10165 T: 212.792-0046 • E: <u>Joshua@levinepstein.com</u>

## **RIDER**

NYC Massage and Spa Inc. 22 W 48th St #704, New York, NY 10036 545 5th Ave., Suite 845, New York, NY 10017

Alexander Smith 22 W 48th St #704, New York, NY 10036 545 5th Ave., Suite 845, New York, NY 10017

Ella Smith 22 W 48th St #704, New York, NY 10036 545 5th Ave., Suite 845, New York, NY 10017